

Applicant : Scott Montgomery
Appl. No. : 09/990,625
Examiner : Akiba K. Robinson
Docket No. : 703602.3

Remarks

Claims 1-6, 8-9, and 12-56 are now pending in this application, of which claims 1, 15, 23, 28, 33, and 44 are independent. Applicant respectfully requests reconsideration.

Claim Rejections

Claims 1-6, 8-10, and 28 were rejected under 35 U.S.C. § 103 as being obvious over Sansone (U.S. Patent No. 6,547,136). Claims 7, 11-27, and 30-48 were rejected under 35 U.S.C. § 103 as being obvious over Sansone in view of Whitehouse (U.S. Patent No. 6,005,945).

A. Interview Summary

The applicants respectfully thank the Examiner for her participation in the interview on February 21, 2008. To summarize the contents of the interview, the applicants noted that the office action has construed Sansone as "effectively" disclosing a postage refund since it discloses free shipping for returned goods. In other words, if the seller bears the cost of shipping the buyer's merchandise back to the merchandise seller, then the buyer effectively has a refund for shipping. The applicants submitted that, unlike Sansone, the present application is directed to the provision of an actual refund *from the postal system*, which may occur, for instance, in the case where the purchased postage indicium is never used or delivered or in the case where the postage indicium is fraudulently or mistakenly duplicated.

The examiner tentatively agreed that if the applicants submitted amended language clarifying that the claims do not cover the "effective" refunds from the merchandise seller as disclosed in Sansone, then the rejection based on the combination of Sansone and Whitehouse would be overcome.

B. Claim amendments

The applicants have amended the claims to clarify that the postage refund is "from the postal system" and not from a merchandise seller. According to the office action, in Sansone, the postage

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refund is "effectively" paid for by the merchandise seller via the provision of free return shipping to the buyer – i.e., the refund is provided from the merchandise seller. The claims, as amended, make it clear that the refund is provided from the postal system.

The applicants respectfully submit that Sansone bears no relevance to the present claims as amended. Sansone never discloses a postage refund as recited in the claims. Sansone, as construed in the office action, merely relates to the shifting of the burden of payment for shipment between a buyer and seller of merchandise. Sansone bears no relevance to the provision of postage refunds from the postal system.

Because the claims have been amended to clearly recite the source ("the postal system") from which the refund is requested, the applicants respectfully submit that Sansone no longer bears any relevance to the claimed subject matter. Accordingly, the applicants respectfully submit that because Sansone does not disclose or even acknowledge the possibility of a postage refund from the postal system, there is no basis by which to combine Sansone with Whitehouse to reject the claims.

C. New Claims

New dependent claims 49-56 are included in this amendment. The applicants respectfully submit that no new matter has been added by these claims.

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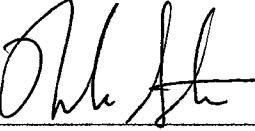
D. Conclusion

The applicants respectfully request that the rejections be withdrawn and that the claims be allowed in their present form.

Prompt and favorable action on the merits of the claims is earnestly solicited. Should the Examiner have any questions or comments, the undersigned can be reached at (949) 567-6700. The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 15-0665.

Respectfully submitted,

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By: 

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